

DECREE

of the **PRESIDENT of the LAO PEOPLE'S DEMOCRATIC REPUBLIC**
on the **Promulgation of the Law on Urban Plans**

Pursuant to Chapter 5, Article 53, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 03-99/NA, dated 3 April 1999, of the 3rd Ordinary Session of the fourth legislature of the National Assembly regarding the adoption of the Law on Urban Plans; and

Pursuant to Proposal No. 05/NASC, dated 6 April 1999, of the National Assembly Standing Committee.

The President of the Lao People's Democratic Republic Decrees That:

Article 1. The Law on Urban Plans is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 26 April 1999

The President of the Lao People's Democratic Republic

[Seal and Signature]

Nouhak PHOUMSAVANH

LAW ON URBAN PLANS

Part I General Provisions

Article 1. Function of the Law on Urban Plans

The Law on Urban Plans determines principles, regulations and measures regarding the management, land use, construction and building of structures at national and local levels to ensure conformity with policies and laws, aiming at urban development to meet the direction of the national socio-economic development plan, ensuring that all social activities in the city maintain order, safety, discipline, hygiene, [and] civilization, as well as preserving ancient places, [and] the architectural work of cultural structures, meanwhile protecting the environment and natural scenery.

Article 2. Work Relating to Urban Plans

Work relating to urban plans refers to the arrangement and development of a city, together with the issuing of regulations and administrative measures relating to technical standards, the socio-economy and the preservation of the environment, in a manner that is harmonious, rational and consistent with socio-economic development in each period.

Urban plans consist of graphical drawings, feasibility reports and regulations relating to the management of cities.

Article 3. Cities

Under this law, a city means a place where the community lives, having the following characteristics:

- It is the location of the capital city of the country, or of a municipal city (*), a provincial city, a special zone city, a district city, or an area of socio-economic concentration;
(* Readers should note that the organization of local administration has undergone change over time and that the administrative divisions and titles used in this older law do not conform to those used in newer laws such as the Law on Local Administration.
- It has a certain density of population;
- It has a public infrastructure and supply system, such as: road networks, sewerage systems, hospitals, schools, stadiums, public parks, water supply, electricity, telephone, and others (*).
(* The term “and others” is a literal translation and is not subject to further specificity.

Cities are classified into the following three levels:

- Cities belonging to the central [level];
- Cities belonging to provinces, municipalities and special zones;
- Cities belonging to districts.

Article 4. Principles of Urban Planning

Urban planning shall be planned systematically and shall be conducted in collaboration and harmony among concerned sectors (*), local administrations and the people.

(*) The term “sector” is used in many Lao laws to refer to the cluster of government ministries or agencies engaged in a particular activity.

Urban planning shall be consistent with the level of socio-economic development at each area, [and] shall ensure the security, safety, social order, hygiene, comfort, cleanliness, aesthetics, ethnic cultural heritage, and protection of the nation and the environment.

Urban plans at the city level shall be consistent with urban plans at the provincial level, urban plans at the provincial level shall be consistent with urban plans at the level of [national geographical] regions, and urban plans at the regional level shall be consistent with national plans.

Article 5. Obligations Relating to Urban Plans

Domestic and foreign individuals and organizations residing in the Lao PDR shall have the obligation to strictly comply with urban plans.

Part II Urban Planning

Article 6. Urban Planning

Urban Planning in the Lao PDR [is concerned with plans at (*)] four levels:

(*) The literal translation is “is divided into”.

1. Urban plans at national level;
2. Urban plans at regional level;
3. Urban plans at provincial level;
4. Urban plans at district level.

Article 7. Urban Planning at the National Level

Urban planning at the national level is the general medium and long- term planning of the direction for the whole country in determining land demarcation and the future construction and expansion of cities, and in setting zones for socio-economic development, forests, conservation forests, natural resource areas, military and defence zones, road networks, and others, based on specific geographical character, population density, natural resources, economic activities, and connections with different parts of the country.

The Ministry of Communication, Transport, Post and Construction, in collaboration with concerned sectors and local administrations, is responsible for the study and design of the urban plan at national level, before submitting it to the government for consideration, which in turn proposes it to the National Assembly for consideration and adoption.

Article 8. Urban Planning at the Regional Level

Urban planning at the regional level is the major medium and long- term planning of the direction for a particular region of the country in determining land demarcation and the future construction and expansion of cities, and in setting zones for socio-economic development, forests, conservation forests, natural resource areas, military and defence zones, road networks, and others, based on specific geographical character, population

density, natural resources, and economic activities, and shall be in greater detail than urban planning at the national level.

The Ministry of Communication, Transport, Post and Construction, in collaboration with concerned sectors and local administrations, is responsible for the study and design of the regional urban plans, before submitting them to the government for consideration and adoption.

Article 9. Urban Planning at the Provincial Level

Urban planning at the provincial level is the primary medium and long-term planning of the direction for a province of the country in determining land demarcation and the future construction and expansion of cities, and in setting zones for socio-economic development, forests, conservation forests, natural resource areas, military and defence zones, road networks, and others, based on specific geographical character, population density, natural resources, and economic activities, and shall be in greater detail than urban planning at the regional level.

The Ministry of Communication, Transport, Post and Construction, in collaboration with concerned sectors and local administrations, is responsible for the study and design of the provincial urban plans, before submitting them to the government for consideration and adoption.

Article 10. Urban Planning at the District Level

Urban Planning at the district level is the determination of land demarcation for the construction and expansion of cities by the allocation of areas for residences, offices, agriculture, industry, trade and services, road networks, transport, culture, sports, public parks, military and defence zones, public utilities, and others.

The Ministry of Communication, Transport, Post and Construction, in collaboration with concerned sectors and provincial, municipal and special zone administrations, is responsible for the study and design of the urban plans for major cities belonging to the central level, and for consulting and gathering people's opinions, before submitting [the plans] to the government for consideration and adoption.

The provincial, municipal and special zone administrations are responsible for the study and design of the urban plans for cities belonging to the provinces, municipalities or special zones, in collaboration with concerned sectors, and for consulting and gathering people's opinions, before submitting [the plans] to the Ministry of Communication, Transport, Post and Construction for consideration and approval.

The district administrations are responsible for the study and design of the urban plans of cities belonging to the districts, or belonging to areas of socio-economic concentration that belong to those districts, in collaboration with concerned sectors, and is [also responsible] for consulting and gathering people's opinions, before submitting [the plans] to the provincial, municipal and special zone administrations for consideration and approval.

Part III Regulations on Urban Planning

Chapter 1 Regulations on Urban Land Use and Construction Urban Land

Article 11.

Urban land is the designated area of land for urban planning, to develop a city. The urban land for urban planning area consists of land belonging to the State, collectives, organizations and individuals.

Article 12. Reservation and Transfer of Land

The State has the right to reserve or transfer land to the public domain and for future development such as: new community development areas, roads, industrial zones, agriculture zones, conservation forests, tourism areas, military and defense zones, and others.

The transfer of developed land of organizations and individuals by the State for public use shall be adequately compensated.

Article 13. Allocation of Urban Land in the Urban Plan

The urban plan of a city includes different areas, as follows: residential, office, commercial, service, public parks, heritage preservation, socio-cultural, tourist, agricultural, industrial, military and defense.

Urban land at district level is classified as follows:

Cities that belong to the central level or to provinces are divided into four areas:

1. City centre;
2. Area surrounding the city centre;
3. Suburbs;
4. Area for city expansion.

Cities and municipalities belonging to districts are divided into two areas:

1. City centre;
2. Area for city expansion.

Article 14. City Centres

The city centre is identified by a higher density of construction and population than other areas, and is supplied with a complex system of public infrastructure and facilities; it is also the centre for commercial, service and business locations. It is prohibited for all three levels of industry (*) or for large areas of storage.

(*) Readers may wish to refer to Article 10 of the Law on Processing Industry for more information on the levels of industry.

The city centre consists of land for residential construction, commercial places, services and office buildings, and others.

Article 15. Areas Surrounding City Centres

The area surrounding a city centre is identified by a lower density of both construction and population than the city centre, and includes green space, a system of public infrastructure and facilities; it also includes commercial [and] service locations and business activities. The area is prohibited for Level I and Level II industrial development.

The area surrounding a city centre consists of land for construction of residences, commercial buildings, service and office space, stadiums, public parks, socio-cultural places, and others.

Article 16. Suburbs

A suburb is the suburban area surrounding an area surrounding a city centre, which has a lower density of both construction and population than the area surrounding the city centre, and which includes agricultural and handicrafts businesses, Level II and Level III industries, and adequate open space.

Suburbs consist of land for residences, office locations, handicrafts, and small and medium-size industries, including large areas of storage, and others.

Article 17. Areas for City Expansion

Areas for city expansion are the land areas adjacent to suburbs, which are allocated to assure city expansion, population growth, and socio-economic activities.

Areas for city expansion consist of land for [the following uses:] residential, educational, airport, commercial, service, handicrafts, Level I industry, [and] transport, including land for agriculture, forests for recreation and tourism, and others.

Article 18. Cities or Municipalities Belonging to Districts

The city centres or municipalities belonging to districts are similar to the areas surrounding city centres belonging to the central level or the provinces.

The city centres or municipalities belonging to districts consist of land for [the following uses:] residential construction, office, commercial, service, handicrafts, agricultural, small and medium-size industries, and others.

The areas for city expansion (*) are areas allocated to assure city expansion, population growth, and socio-economic activities.

(*) This is presumably a reference to the areas for city expansion belonging to districts.

The areas for city expansion consist of land for [the following uses:] residential, educational, airport, commercial, service, handicrafts, Level I industry, and transport, including land for agriculture, forests for recreation and tourism, and others.

Article 19. Use of Urban Plan Land

The use of urban plan land (*) shall be in compliance with the land categories prescribed in the Land Law.

(*) The connotation is of land included or covered by an urban plan.

Construction of residential and office areas should be concentrated in elevated land.

Commercial, service and business facilities should, in principle, be located in the area of the communities which are connected to such businesses and with convenient transportation. All facilities constructed for public use shall have adequate parking spaces.

Agriculture land shall be located in flat or low sloping land, designated specifically for agricultural purposes.

Industrial activities shall be located in areas where there is no density of communities, and shall be provided with adequate open spaces that ensure safety and environmental protection.

Chapter 2 Detailed Planning of Areas

Article 20. Detailed Planning of Areas

In addition to the four areas prescribed in Article 13 above, the detailed planning of land use for building construction and development shall consist of three types as follows:

1. Allocation of specific land within cities;
2. Relocation of community units;
3. Allocation of land lots.

Article 21. Allocation of Specific Land within Cities

Allocation of any specific land within a city is the allocation of specific land in areas which have limited land in the urban plan for the purpose of constructing and expanding public infrastructure and utilities, and other socio-economic activities.

An urban plan may have one or more specific land allocation plans, as necessary.

Article 22. Relocation of Community Units

Relocation of community units is the allocation and restoration of community units that do not meet the standards in the regulations relating to the land use of areas in urban plans.

Article 23. Allocation of Land Lots

Allocation of land lots is the allocation of land to ensure that cities have security, safety, social order, aesthetics, [and] convenience, and are consistent with the urban plan.

Chapter 3 Cities Developed Prior to Having Urban Plans, Cities Without Urban Plans and New Projected Cities

Article 24. Cities Developed Prior to Having Urban Plans

The urban planning for any city that was developed prior to having an urban plan shall be based on its actual conditions by considering the existing building sites that have value from the point of view of architecture and culture, which are classified into three types:

1. Deserve preservation;
2. Require renovation;
3. Require new construction.

Article 25. Cities Without Urban Plans

For a city that has no urban plans, there shall be plans to survey and design an urban plan (*).

(*) The translators are aware that there is no designation, in this paragraph, of who should make this plan.

All construction and building shall comply with regulations issued by the Ministry of Communication, Transport, Post and Construction.

Article 26. New Projected Cities

All new projected cities shall have prior urban plans. All construction and building shall strictly comply with regulations on urban plans (*).

(*) This reference (and future references to regulations on urban plans) is presumably a reference to the regulations referred to in Article 25, but there is insufficient textual information to confirm this.

Chapter 4 Permission and Administration After Construction

Article 27. Permission for Construction and Major Repairs

Issuance of permission for construction or major repair is the issuance [of permission] for activities that are requested in connection with construction or major repair that are consistent with regulations on urban plans, such as:

- Building construction;
- Building repair (modifying buildings, full or partial demolition of buildings);
- Digging or filling of land;
- Installation of electricity poles, telephone poles, pylons, water towers, and fly-over bridges, and others in accordance with regulations on urban plans.

Article 28. Certificates of Conformity of Construction or Repair

When construction or repair is completed, the concerned urban plan administrative authorities shall conduct a final inspection, and if it is found that the construction and repair conform to the design and to regulations on urban plans, the authorities shall issue a certificate of conformity to the owner.

Article 29. Administration After Construction or Repair

After construction or repair, the concerned urban plan administrative authorities shall monitor and inspect the building that has been constructed or repaired in order to ensure that it complies with regulations on urban plans.

Article 30. Issuance of Detailed Regulations

The Ministry of Communication, Transport, Post and Construction is responsible for the issuance of detailed provisions on the implementation of regulations on urban plans.

Part IV Investment in the Development of Infrastructure and Public Utilities

Article 31. Objectives of Investment

The objectives of investment in infrastructure and public utilities are to facilitate socio-economic development and to improve the living conditions of the people, such as

improving road networks, sewerage systems, water and electricity supply, telecommunications, stadiums, public parks, and others.

Article 32. Types of Investors

The State promotes all economic sectors to invest in the construction and development of facilities defined in Article 31 above by the following forms of investment:

- Investment by the State;
- Joint investment between the State and domestic or foreign private [parties];
- Investment by the State with the people;
- Investment by collectives;
- Investment by domestic or foreign private [parties];
- Joint investment between domestic and foreign private [parties].

Part V Administration and Inspection of Urban Plans

Chapter 1 Urban Plan Administrative Authorities

Article 33. Urban Plan Administrative Authorities

The urban plan administrative authorities consist of:

- The Ministry of Communication, Transport, Post and Construction;
- Communication, transport, post and construction divisions at the provinces, municipalities and special zones;
- Urban development and administration authorities at the provinces, municipalities and special zones;
- Communication, transport, post and construction offices at the districts;
- Village administrations.

Article 34. Rights and Duties of the Ministry of Communication, Transport, Post and Construction

The Ministry of Communication, Transport, Post and Construction shall have the following rights and duties:

- To determine strategic plans [and] design urban plans at national, regional and provincial levels for submission to the government;
- To issue regulations, technical standards, principles, rules, [and] instructions concerning urban planning;
- To consider the adoption of urban plans of cities belonging to provinces, municipalities and special zones;
- To monitor and evaluate the implementation of urban plans;
- To exercise such other rights and perform such other duties as defined in this law and assigned by the government.

Article 35. Rights and Duties of Communication, Transport, Post and Construction Divisions at the Provinces, Municipalities and Special Zones

In the administration of urban plans, the communication, transport, post and construction divisions at the provinces, municipalities and special zones shall have the following rights and duties:

- To design urban plans (*) at city level for submission to the Ministry of Communication, Transport, Post and Construction for consideration and adoption;

(*) The literal translation is “to design plans of urban plans”. The translators do not believe that the extra “plan” in this formulation is significant, however readers may wish to bear in mind that there may be an alternative meaning to the term “urban plan” as used in this point.

- To implement and inspect building construction and repair and to construct in conformity with urban plans;
- To issue permission for construction and repair and certificates of conformity;
- To implement land use regulations for cities with no urban plans, in collaboration with land management offices and local administrations;
- To exercise such other rights and perform such other duties as assigned by the Ministry of Communication, Transport, Post and Construction.

Article 36. Rights and Duties of Urban Development and Administration Authorities

The urban development and administration authorities at the provinces, municipalities and special zones shall have the following rights and duties:

- To prepare implementation plans, [and to] administer and inspect urban development activities;
- To construct, restore, [and] renovate city infrastructure, and to provide services;
- To administer and control the implementation of construction work;
- To provide information, data and necessary technical documents for urban plans;
- To find resources for urban plans and development;
- To exercise such other rights and perform such other duties as assigned by the provincial governor, municipal mayor or special zone chief.

Article 37. Rights and Duties of Communication, Transport, Post and Construction Offices at the Districts

In the administration and implementation of urban plans, communication, transport, post and construction offices at the districts have rights and duties as assigned by communication, transport, post and construction divisions at the provinces, municipalities and special zones.

Article 38. Rights and Duties of Village Administrations

Village administrations have the right and duty to assist the communication, transport, post and construction offices at the districts in the implementation of urban plans, village hygiene, [and] social order, as well as in the administration of building and construction within their area of responsibility.

Article 39. Dissemination of Urban Plan

The urban plans at all levels which have been adopted shall be disseminated to the public, and strictly implemented.

Chapter 2 Urban Plan Inspection Authority

Article 40. Objective of Inspection of the Implementation of Urban Plans

The inspection of the implementation of urban plans at all levels is the inspection of urban land use and construction in compliance with regulations on urban plans, in order to ensure the security, safety, order, comfort, cleanliness, hygiene and aesthetics of the city.

Article 41. Urban Plan Inspection Authorities

The urban plan inspection authorities are the same authorities as the urban plan administrative authorities defined in Article 33 above.

Article 42. Terms (*) and Types of Urban Plan Inspections

(*) The word “terms” is used here in the sense of conditions or contents, rather than of time periods.

Urban plan inspection is the inspection of the implementation of regulations on urban plans, [such as]: urban land use, building and construction, safety measure standards, cleanliness, and others (*).

(*) These appear to be references to the kinds of regulations that may apply.

There are three types of inspections, namely:

- Regular inspections;
- Inspections with advance notice; and
- Emergency inspections.

In the inspection of the implementation of regulations on urban plans, the urban plan inspection authorities shall collaborate with other concerned sectors and local administrations.

Chapter 3 Dispute Settlement

Article 43. Types of Disputes

Disputes that occur during the implementation of regulations on urban plans are classified into two categories:

1. Administrative disputes;
2. Civil disputes.

Article 44. Administrative Disputes

Administrative disputes are disputes relating to the issuance of permission for construction and repair, [and disputes] relating to compensation, building construction or construction (*) that does not conform to regulations on urban plans, and other administrative violations of urban plans.

(*) The reference to “building construction or construction” appears to be a reference to “construction of buildings” and “construction of other structures”.

Administrative disputes will be resolved by administrative procedures.

Article 45. Civil Disputes

Civil disputes are disputes occurring from building construction or construction that does not conform to the regulations on urban plans and that causes damage to other individuals or organisations or other civil violations of urban plans.

Civil disputes shall be resolved through mediation, and if an agreement cannot be reached, the injured party is entitled to file a claim in the courts.

Part VI
Policies towards Persons Who Perform Well
and Measures Against Violators (*)

(*) The term “policies” in this context takes the meaning of “privileges” and the term “measures” takes the meaning of “sanctions”.

Article 46. Policies towards Persons Who Perform Well

Individuals or organisations that contribute in the activities and development of urban plans who have outstanding performance in the implementation of regulations on urban plans will receive awards or other appropriate policies.

Article 47. Measures Against Violators

Individuals or organizations that violate this law will be re-educated, made to pay compensation, fined or subject to criminal punishment, depending on the case.

Article 48. Re-education Measures

Individuals or organizations violating provisions of this law that are minor offences, such as: disposal of construction materials, throwing garbage or waste outside permitted places, extending building construction to cover public areas, or committing other similar minor offences, will be warned and re-educated, or made to cease or demolish such construction that does not conform to regulations on urban plans, depending on the case.

Article 49. Compensation Measures

Individuals or organizations that violate the provisions of this law causing damage or loss to the property of the State, collectives, or individuals shall pay compensation in accordance with the laws and regulations.

Article 50. Fines

Individuals or organizations violating the provisions of this law shall be fined as follows: fine in an amount equal to 10% of the value of constructed or repaired buildings that are unauthorised. In the event that the construction does not comply with the urban plan, the violator shall also demolish the unauthorised construction, depending on the case.

If individuals or organizations that have been re-educated, as mentioned in Article 48 of this Law, continue to violate, they shall be fined.

Article 51. Penal Measures

Any individual, including the people and civil servants, who violates this law by committing an offence (*), such as: using forged documents, forging documents, abuse of power for his own benefit, negligence in the performance of duties, and thereby causes damage to the life or health of any individual, or to any property of the State and collectives, or who does not comply with safety measures in operations thereby causing loss of life or injury, shall be punished in accordance with the Penal Law.

(*)The term “offence” is used here, as in the Penal Law, to refer generally to criminal acts. There are three levels of such criminal acts as set out in Article 8 of the 2005 Amended Penal Law and Article 7 of the 1989 Penal (translations of both these laws are available in this series).

Article 52. Additional Measures

In addition to the measures defined in Articles 48, 49, 50 and 51 above, violators that cause severe damage to the property of the State, collectives, and individuals shall be punished with additional measures, such as: suspension of business, withdrawal of license, and demolition of the unauthorised construction and repair, depending on the case.

Part VII Final Provisions

Article 53. Implementation

The government of the Lao People's Democratic Republic shall have the duty to disseminate and implement this law.

Article 54. Effectiveness

This law shall enter into force after 90 days from the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

All regulations and provisions that are inconsistent with this law shall be null and void.

Vientiane, 3 April 1999 President of the National Assembly
[Seal and Signature]
Samane VIGNAKET